

12-2-04  
RCE  
1654  
IWA

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

DEC 01 2004

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	10/006,311
Filing Date	December 4, 2001
First Named Inventor	Joseph M. Ault
Group Art unit	1654
Examiner Name	Meller, Michael V.
Attorney Docket Number	4-31673A

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

2. Miscellaneous

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0134
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$\_\_\_\_\_ enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Edward J. Wilusz, Jr.	Registration No. (Attorney/Agent)	Reg. No. 52,370
Signature	<u>Edward J. Wilusz, Jr.</u>	Date	12/1/04

**FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10**

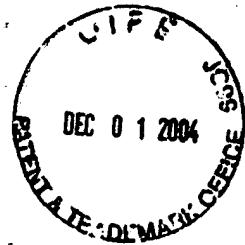
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December 1, 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1654

JOSEPH M. AULT

Examiner: Meller, Michael V.

APPLICATION NO: 10/006,311

FILED: DECEMBER 4, 2001

FOR: PHARMACEUTICAL COMPOSITIONS FOR THE ORAL DELIVERY  
OF PHARMACOLOGICALLY ACTIVE AGENTS**MS: Amendment**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450SUBMISSION UNDER 35 U.S.C. § 114 REQUEST FOR CONTINUED EXAMINATION:AMENDMENT

Sir:

In response to the Office Action mailed on June 1, 2004, applicants in the above-identified patent application respectfully request the following amendment be entered and the claims considered in light thereof. Applicants simultaneously file this amendment as a submission required under 35 U.S.C. § 114, Request for Continued Examination (RCE), which RCE is also included herewith.

A three-month extension of time petition is included herewith. Applicants also herein request a three month extension for this response as allowed under 37 C.F.R. § 1.136(a). The Examiner is authorized to charge Deposit Account No. 19-0134 in the name of Novartis Corporation for the fee required under 37 C.F.R. § 1.17(a).

Amendments to the claims begin on page 2. Remarks begin on page 5